

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 827 - HB 1723

March 4, 2011

SUMMARY OF BILL: Effective June 30, 2011, terminates the Post-Conviction Defender Commission (PCDC) and replaces it with the Post-Conviction Defender Oversight Commission (PCDOC). Specifies that the PCDOC would be strictly administrative and would oversee budget, staffing, and caseload concerns. Prohibits any member of the PCDOC from advising, consulting, or otherwise directly assisting the post-conviction defender, or the defender's staff, in providing legal representation in post-conviction cases. Prohibits the post-conviction defender, and the defender's staff, from discussing specific details about any case with the members of the PCDOC. Authorizes the Governor, the Speaker of the Senate, and the Speaker of the House of Representatives to each appoint three members to the PCDOC. States any member who is an attorney may be in private practice, a District Attorney General or an assistant, a Public Defender or an assistant, or a former judge. Requires appointing authorities to make their appointments by September 1, 2011, at which time the current defender will schedule a meeting for the newly appointed members. Removes the current requirement that the members of the Commission be appointed with a conscious intention of reflecting a diverse mixture with respect to race, including the dominant ethnic minority population, and gender. Requires all meetings of the Commission to be public. States it is the intent of the General Assembly that the current post-conviction defender and staff remain in place and continue to operate until the new Commission has been appointed and has met.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The membership of the Commission would be altered but there is no change in the size of the Commission therefore there would be no fiscal impact to the State from changing its composition.
- Currently the Supreme Court has the authority to appoint three members to the PCDC. Deleting the appointing authority of the Supreme Court will not have a fiscal impact.
- The budget for the new Commission will be the same as the existing budget. There will not be an increase in state expenditures for staff and relating operating expenses.
- Meetings that are currently private will be made open to the public. Requiring public notice of such meetings will result in a not significant increase in state expenditures.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc